

THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF HAWAII

SCOTT SMITH, #A0262008,	)	CIV. NO. 19-00600 JAO-KJM
	)	
Plaintiff,	)	ORDER DENYING IN FORMA
	)	PAUPERIS APPLICATION
vs.	)	
	)	
H.C.F. MEDICAL UNIT D.P.S., DR.	)	
KEVIN MAGUIRE, DR. DEANE	)	
HATAKEYAMA, JOHN DOES,	)	
	)	
Defendants.	)	
_____	)	

**ORDER DENYING IN FORMA APPLICATION**

On November 18, 2019, Plaintiff submitted an Application to Proceed In Forma Pauperis by a Prisoner (“IFP Application”) and the full \$400 civil and administrative filing fee. *See* ECF Nos. 12, 13. The IFP Application lacks (1) certification by prison officials regarding the amount currently in his account; and (2) an account statement for the preceding six months showing all deposits and withdrawals during that period. *See* 28 U.S.C. § 1915(a)(2). The IFP Application is therefore DENIED as incomplete. If Plaintiff still wishes to proceed in forma pauperis, he must submit a fully completed IFP application that includes this information on or before December 16, 2019.

Plaintiff also questions why the civil filing fee for this action is \$400, when he paid only \$350 in his previous lawsuit, *Smith v. Toyama*, Civ. No. 17-00340 JMS-KSC (D. Haw). He also relates that Chief U.S. District Judge J. Michael Seabright reimbursed the \$350 fee when he allegedly “found in [Plaintiff’s] favor.” ECF No. 12-1.

The civil filing fee for all civil actions filed in the federal district courts, except petitions for a writ of habeas corpus and actions in which the plaintiff is “granted in forma pauperis status under 28 U.S.C. § 1915,” is \$350, plus a \$50 administrative fee. 28 U.S.C. § 1914(a); District Court Miscellaneous Fee Schedule n.14, <https://www.uscourts.gov/services-forms/fees/district-court-miscellaneous-fee-schedule> (last visited Nov. 21, 2019). Plaintiff was proceeding in forma pauperis in Civ. No. 17-00340, thus the filing fee was \$350. *See* Civ. No. 17-00340, Order Granting In Forma Pauperis Application, ECF No. 11 (“July 27, 2017 Order”).

Judge Seabright directed the Clerk’s Office to refund the \$350 fee Plaintiff had paid when the parties settled the case. *Id.*, ECF No. 33. It is not clear from the record whether this was part of the settlement negotiations between the parties, or because Plaintiff had been granted IFP status and was presumably going to be charged the fee in monthly increments. Judge Seabright did not, however, vacate

the July 27, 2017 Order. If Plaintiff is granted in forma pauperis status in *this* action, he will be refunded the \$50 administrative fee.

### **CONCLUSION**

Plaintiff's Application to Proceed In Forma Pauperis by a Prisoner is DENIED as incomplete. He may file a fully completed IFP application on or before December 16, 2019.

The Clerk is DIRECTED to send Plaintiff another Application to Proceed In Forma Pauperis by a Prisoner so that he can comply with this Order.

IT IS SO ORDERED.

DATED: Honolulu, Hawai'i, November 21, 2019.



A handwritten signature in black ink, appearing to read "Jill A. Otake".

Jill A. Otake  
United States District Judge